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CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of The United States

October Term, 1930

No. 333

LOUISVILLE & NASHVILLE RAILROAD COMPANY, et al.,
Appellants,

v.

UNITED STATES OF AMERICA and INTERSTATE COMMERCE COMMISSION,
Appellees.

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF KENTUCKY.

EDWARD S. JOUETT,
R. V. FLETCHER,
JOHN J. CORNWELL,
ROBERT B. TUNSTALL,
H. N. QUIGLEY,
ALFRED P. THOM, JR.,
ALFRED P. THOM,
Solicitors for Appellants.

HAYWORTH PRINTING COMPANY — WASHINGTON, D. C.

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ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF KENTUCKY.

STATEMENT OF JURISDICTION

In compliance with Rule 12 of this Court, appellants submit herewith their statement showing the basis of this Court's jurisdiction in the above-entitled cause.

A
STATUTES

As hereinafter stated, in paragraph C, this is a suit to suspend, restrain, enjoin, annul and set aside, in part, two certain orders of the Interstate Commerce Commission. It was heard, decided and the order appealed from entered in the District Court by three judges as required by law. Jurisdiction is conferred

upon this Court to entertain this appeal by the following statutes:

Section 238 of the Judicial Code as amended by the Act of February 13, 1925 (c. 229, 43 Stat. 936, 938), paragraph (a) (U. S. C. Title 28, Sec. 345).

Urgent Deficiencies Act of October 22, 1913 (c. 32, 38 Stat. 208, 219, 220) (U. S. C. Title 28, Sec. 47).

II.

DECREE

The final decree sought to be reviewed on this appeal was entered in the District Court on the 12th day of June, 1930. (R. 113.)

The petition for appeal (R. 116) was filed and the order allowing the appeal was entered on the 12th day of July, 1930. (R. 171.) Notice of appeal with service acknowledged was also filed on the 12th day of July, 1930. (R. 114, 115.) The case was docketed in this Court on the 5th day of August, 1930.

III.

NATURE OF THE CASE AND RULINGS BELOW

The suit (R. 1) was brought to suspend, restrain, enjoin, annul and set aside two certain orders of the Interstate Commerce Commission, one entered on the 4th day of November, 1929, a copy of which is filed with the record, and the other on the 30th day of July, 1929, amending its previous Pass Regulations, in so far as said orders or either of them undertook to declare unlawful and to prohibit the transportation or movement free and without charge, by any carrier subject to the Interstate Commerce Act, of the private or business car of another such carrier when occupied by a person using and lawfully entitled to use free transportation.

or undertook to declare unlawful and to prohibit the accessorial transportation or movement of such car in connection with or as incidental to such free transportation service.

The case was heard by a court of three judges as required by the statute, and a final judgment or decree of said District Court was made and entered on the 13th day of June, 1930. This appeal was taken within sixty days after the entry of such final judgment.

D

CASES RELIED ON TO SUSTAIN THE JURISDICTION

Baltimore & Ohio R. R. Co. v. U. S., 277 U. S. 291.
Id., 279 U. S. 781.
United States v. Berwind White Coal Min. Co., 274 U. S. 264.
United States v. N. Y. Cent. R. R., 272 U. S. 457.
Brimstone R. R. Co. v. United States, 276 U. S. 104.
Western Union Tel. Co. v. United States, 271 U. S. 268.
St. L. & O'Fallon R. R. v. U. S. and I. C. C., 279 U. S. 461.

We respectfully submit that the Court has jurisdiction of this appeal by virtue of the statutory provisions hereinabove designated.

Respectfully submitted,

EDWARD S. JOUETT,
R. V. FLETCHER,
JOHN J. CORNWELL,
ROBERT R. TUNSTALL,
H. N. QUIGLEY,
ALFRED P. THOM, JR.,
ALFRED P. THOM,
Solicitors for Appellants.

August 7, 1930.